

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Voshan Andre McMillian

Docket No. 5:11-CR-322-3BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Voshan Andre McMillian, who, upon an earlier plea of guilty to 18 U.S.C. § 371, Conspiracy to Possess Checks Stolen from the U.S. Mail: To Make, Utter, and Possess Altered Checks; and to Commit Bank Fraud, 18 U.S.C. §§ 513(a) and 2, Making and Possessing a Forged Security and Aiding and Abetting, and 18 U.S.C. §§ 513(a) and 2, Bank Fraud and Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 19, 2012, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional condition:

The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Voshan Andre McMillian was released from custody on July 19, 2013, at which time the term of supervised release commenced. On September 3, 2013, a violation report was submitted to the court reporting the defendant committed the offense of Driving While License Revoked (13CR718720) in Cumberland County, NC. The defendant was verbally reprimanded and instructed not to drive until properly licensed. The court agreed to continue supervision.

On September 17, 2013, as a result of testing positive for cocaine and benzodiazepine, the defendant's conditions of supervision were modified by the court to include the following:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 30, 2013, the defendant submitted a urine sample that tested positive for cocaine and benzodiazepine. When confronted with the results, the defendant admitted to using cocaine and Zanax on September 28, 2013. The defendant has been referred to substance abuse counseling and enrolled in the Surprise Urinalysis Program. In an effort to gain compliance, we are recommending that the conditions of supervision be modified to include 90 days of home detention with electronic monitoring.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

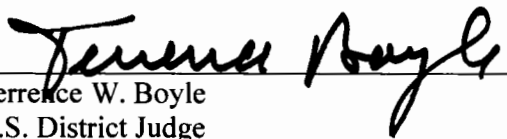
/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 30, 2013

ORDER OF COURT

Considered and ordered this 1 day of October, 2013, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge